

Tony Fu
5813 Geary Blvd., PMB 188
San Francisco, CA 94121
(415) 867 – 5973

A victim of the Fung crimes

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

Appellant

v.

FLORENCE FUNG

Defendant.

) Case No. : 13-cr-00805-CRB

)

)

) **TONY FU’S REQUEST FOR THE COURT**
) **TO IMPOSE THE MAXIMUM**
) **SENTENCE SET BY THE LAW AS TO**
) **FUNG**

)

)

) Concurrently filed: DECLARATION OF
) TONY FU IN SUPPORT OF TONY FU’S
) REQUEST FOR THE COURT TO IMPOSE
) THE MAXIMUM SENTENCE SET BY THE
) LAW AS TO FUNG

My name is Tony Fu (“Fu”). I recently learned of the U.S. government’s prosecution of Florence Fung (“Fung” or “Defendant”). I am one of the member of the general public who has been mistreated by Fung. I, therefore, respectfully submit this request (with the declaration) for the Court to impose the maximum sentence set by the law as to Fung.

I was one of Fung’s victims when I was a general building contractor doing remodeling work in San Francisco. I undertook a small remodeling project at one of the Fung’s houses located at 95 Wawona Street, San Francisco on or about 1999. The project was to “construct bedrooms study room family room& bath at ground floor” for the cost of “\$35,000.” After Fu completed the project on or about May 7, 1999 and retained the final approval from the San

1 Francisco Department of Building Inspection (“DBI”), Fung withheld payment of over \$24,000.
 2 See the Fung house at **Exhibit A** and the Permit Details Report from DBI at **Exhibit B** at the
 3 concurrently filed Tony Fu Declaration in support of his request to the Court for a longer
 4 sentence for Fung.

5 Due to Fung’s bad faith conduct, Fu suffered a total lost from the project. Fu moved for
 6 arbitration to collect his money for work, but she raised and created the “defects”¹ which was
 7 greater than the DBI stated “cost of \$35,000” for the project. As a result, Fu was defeated and
 8 turned out owing Fung money. After suffering the lost to Fung, Fu lost his contractor license and
 9 eventually had to file for bankruptcy². Over the years, Fu heard about 5 contractors’ grievance
 10 stories about losing money after working for Fung.

11 From Defendant Fung’s Sentencing Memorandum (“the Fung Memo”) that said “There is
 12 a ‘Florence Fund Trust’ which owns 45 properties and has value of approximately
 13 \$14,790,000.00.” See the Fung Memo at page 2 line 12-13. This statement of assets being
 14 worth roughly \$15 million is a significantly watered-down figure in an attempt to obtain a lighter
 15 sentence. Anyone who simply looks at just one of her 45 properties, shown on **Exhibit A** which
 16 is over \$2 million, would know the net value of Fung’s assets far exceeding \$15 million.

17 Fung describes herself as pursuing the American Dream and achieving great wealth from
 18 humble beginnings. According to Fung, she moved “to the Bay Area in 1991. After she arrived
 19 in the Bay Area she began to buy and rehabilitate real estate properties.” See the Fung Memo at
 20 page 3 line 21-23. Indeed, she has built her wealth through “rehabilitate real estate properties”
 21

22 ¹ At the time of claiming the defects, Fung swore that the defects such as the concrete slab for
 23 the floor required corrective work that would cost her \$40,000 alone. However, she has not done
 24 any corrective work as of this day (for 19 years) according to the official permit history from the
 DBI.

25 ² Fung teamed up and conspired with her former attorney called Demas Yan, who has a real
 estate broker license and who was disbarred by the State Bar for 27 counts of misconducts on
 March 16, 2018, to continue committing misconducts causing tremendous harms to people such
 as Fu.

1 after illegally retaining them by and through inter alia bid rigging. Her wealth was built upon
2 those she defrauded and Fu was one of many contractors that have fallen victim to her crimes.

3 One would be foolish to believe that she would feel repentance in her letter to the
4 Honorable Judge Breyer claiming "Even though I went along with the practices at the auctions, I
5 *did something that was against my beliefs.*" [Emphases added]. This is patently disingenuous.
6 Fung has demonstrated a willfulness to harm others to create her fortune.

7 Fu believes that the government request, to sentence Fung to only eight (8) months in
8 custody, three (3) years of supervised release, and a criminal fine of \$4,000 and \$31,000 in
9 restitution, is too lenient and may encourage more crimes, for example, the fine is just a drop in
10 the bucket compared to the many millions of dollars Fung has retained through illegal means.

11 Wherefore, Fu prays for the Court to impose the maximum sentences set by the law as to
12 Fung.

13 Dated: May 14, 2018

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15 Respectfully Submitted,

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18 _____
19 Tony Fu
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